

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ADELEKE BILESANMI,

Plaintiff,

v.

Case No. 13-10115

UNITED STATES POSTAL SERVICE,

Defendant.

ORDER DISMISSING THE ACTION FOR LACK OF JURISDICTION

Adeleke Bilesanmi alleged in state court that the United States Postal Service failed to deliver a parcel. The Postal Service removed the action to federal court, see 28 U.S.C. § 1442(a)(1), and moved to dismiss.

The United States' sovereign immunity bars a claim involving lost or miscarried mail. 28 U.S.C. § 2680(b). In other words, a person may not sue the Postal Service, an agent of the United States, for failing to convey a parcel, *Dolan v. U.S. Postal Serv.*, 546 U.S. 481, 486-87 (2006); the federal district court lacks jurisdiction to adjudicate the suit, see *Lovely v. United States*, 570 F.3d 778, 782 n.2 (6th Cir. 2009). In his complaint Bilesanmi alleges one fact—that the Postal Service lost his package. The action may not proceed.

Even if jurisdiction existed, the action would be dismissed for failure to prosecute. An April 25, 2013, order stated that Bilesanmi must either respond to the motion to dismiss by May 8 or suffer dismissal without further notice. Bilesanmi submitted two papers by May 8, but neither defends his claim. Accordingly,

IT IS ORDERED that the motion to dismiss [Dkt. # 3] is GRANTED and that the action is DISMISSED for lack of subject matter jurisdiction.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 15, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 15, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522